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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

JOHN D. THOMAS,

Plaintiff,

vs.

LEAGLE, INC., a former Arkansas
corporation; and DOES 1-25,

Defendants.

) Case No. 8:23-cv-00236-DOC-JDE

) Assigned for all purposes to:

)

) **Declaration Of David G. Epstein**

)

) Date: October 30 2023

) Time: 8:30am

) Courtroom 10 A

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I, David G. Epstein, say:

1. I am licensed California attorney admitted to their of this court. I make this
declaration of my own personal knowledge and could and would so testify if called.

2. This action was filed on February 7, 2023. Summons was issued on February
9, 2023.

3. On April 14, 2023, the court authorized service of process on this defendant by
electronic means (Docket 17)

1 4. On June 13, 2023, plaintiff filed a proof of service by said means (Docket 18).

2 5. The Clerk entered defendant' default on August 30, 2023.

3 6. Defendant has not responded in any manner to the summons and complaint
4 and has not communicated with the undersigned. The time for a response to the
5 complaint has passed.

6 7. Defendant is not a minor or an incompetent person, and is not in the military
7 service and accordingly the Servicemembers Civil Relief Act does not apply.

8 8. I served a copy of this application on September 19, 2023 in the manner
9 authorized by the court for service of the summons and complaint.

10 9. The defendant Leagle, Inc. publishes information about court rulings,
11 opinions, and decisions. I am informed and believe that defendant makes money by
12 selling attorney advertising.

13 10. As set forth in the complaint, Leagle, Inc. has published legal material that
14 indicates that plaintiff Thomas was held guilty y.of civil misrepresentation. Nowhere
15 does that material published state the fact that the action was subsequently dismissed in
16 its entirety. Mr. Thomas, who is a real estate developer, fears that the publication of this
17 incomplete and inaccurate information will discourage people from doing business
18 with him and lead to financial loss.

19 11. Accordingly, plaintiff requests an award of nominal damages of one dollar,
20 costs of suit, and a permanent injunction prohibiting defendant from publishing the
21 opinion in *Modarres v. Thomas*, California Second District Case No. G048684, without a
22 notation or advise that after remand, the action was dismissed with prejudice.

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